

Reply Exhibit E

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,))
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES))
FOR THE STATE OF OKLAHOMA,)
)
Plaintiff,)
)
vs.) 4:05-CV-00329-TCK-SAJ
)
TYSON FOODS, INC., et al,)
)
Defendants.)

- - - - -
THE VIDEOTAPED DEPOSITION OF
VALERIE HARDWOOD, PhD, produced as a witness on
behalf of the Defendants in the above styled and
numbered cause, taken on the 18th day of July, 2008,
in the City of Tulsa, County of Tulsa, State of
Oklahoma, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

1 **A** No.

2 **Q** Salmonella?

3 **A** No.

4 **Q** Any other bacteria?

5 **A** No. 09:13AM

6 **Q** Have you undertaken yourself to quantify fecal
7 production levels by any animal in the IRW?

8 **A** No, I have not.

9 **Q** Have you undertaken quantification of bacteria
10 loading from any particular source in the IRW? 09:13AM

11 **A** I have not.

12 **Q** Now, you submitted a journal article to the
13 Journal of Applied and Environmental Microbiology;
14 correct?

15 **A** That's correct. 09:14AM

16 **Q** And we were provided a copy of that a couple
17 of days ago. You're on the editorial board of that
18 journal?

19 **A** That's correct.

20 **Q** Okay. Have you discussed your article with 09:14AM
21 any of your colleagues on that board?

22 **A** No, I have not. That wouldn't be -- you don't
23 do that.

24 **Q** Okay. You submitted it on June 11, at least
25 according to the cover E-mail; is that correct? 09:14AM

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1 **A** Correct, uh-huh.

2 **Q** What is its status?

3 **A** It is pending -- it's in review, so that means
4 that the folks who have received it to review, who
5 are anonymous, are still reviewing it.

09:14AM

6 **Q** An article is reviewed before it's accepted?

7 **A** Correct, usually by two to three members of
8 the editorial board and/or ad hoc reviewers who are
9 not part of the editorial board.

10 **Q** Okay. Do you have any expectation as to when
11 it might be accepted?

09:14AM

12 **A** Usually it's about two months, so I would
13 think in August we will know something.

14 **Q** When you submitted the article, did you
15 recommend peer reviewers?

09:15AM

16 **A** Yes. That's a common practice.

17 **Q** Who did you recommend?

18 **A** I don't remember. I'd have to look back.

19 **Q** Okay. Could you provide us with that
20 information?

09:15AM

21 **A** Yes, I could, I think.

22 **Q** And you do not know who is reviewing your
23 work; is that correct?

24 **A** No. It's anonymous.

25 MR. PAGE: Mr. Todd, I think it would be

09:15AM

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1 helpful, because there's so much going on, if you
2 could provide me at least an E-mail or something.
3 I'm not asking for a formal discovery request, but
4 if you could provide me with some written
5 information about any documentation --

09:15AM

6 MR. TODD: Absolutely. I intended to.

7 MR. PAGE: -- after the deposition, that
8 would be helpful.

9 MR. TODD: Not a problem. We will.

10 MR. PAGE: Thank you.

09:15AM

11 MR. TODD: Sure.

12 Q I made a copy of a few pages from the draft
13 article. In the interest of not burdening us with
14 paper, I didn't copy the entire thing, and I just
15 printed it out this morning, and I apologize for it
16 not being stapled. Now, if you flip to Lines 251
17 through 254, which is on Page 12, you note at the
18 bottom of this page, quote, correlation of the
19 biomarker with E. coli and Enterococcus spp.

09:16AM

20 provides a line of evidence of the human health risk
21 associated with the runoff from poultry litter
22 application to fields, although there is evidence
23 that regrowth of these organisms is possible once
24 they are introduced into the environment. Now, when
25 you refer to regrowth evidence or evidence of

09:16AM

09:17AM